

A PIVOTAL DECISION:  
THE 1824 GUBERNATORIAL ELECTION IN KENTUCKY

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No period in all Kentucky's first hundred years, even the decade when the dangers of the Civil War and its accompanying readjustments afflicted her, was more exasperating or laden with greater peril than the decade from 1819 to 1829.<sup>1</sup>

The approaching election involves a magnitude of interests greater than any that have taken place since the state was first organized.<sup>2</sup>

The decade between 1815 and 1825 proved to be one of the most divisive in the history of Kentucky. These were years marked by unparalleled financial success and population growth as well as a devastating depression that affected all Kentuckians. Politically, it was a time when men did not identify themselves as members of formal parties but rather as debtors or creditors and a time when an invading federalism seemed to threaten the sovereignty of the state. A number of historians have narrated and analyzed the Relief — Anti-Relief struggle that characterized Kentucky during the decade; yet, for the most part, they have overlooked perhaps the most important event in this struggle. The gubernatorial election of 1824 was a crucial battle in the war between the state's two leading factions. Because of the events that occurred in the five years prior to 1824 the election was considered by both factions as a matter of life or death. Relievers needing to justify their position in government feared that a defeat would undermine the localistic ideology upon which they functioned. Anti-Relievers, who at last saw an opportunity to purge the state of relief legislation, realized that a loss in 1824 would condemn them to political subservience, something most of them found intolerable. The election of 1824 therefore became a pivotal event in a turbulent decade.

In Kentucky the years between 1812 and 1818 were marked by growth and a general prosperity. While the eastern states were suffering through a period of unstable business conditions, Kentucky, like a number of other states west of the Alleghenies, remained free from major financial problems. Continually higher selling prices for the state's cash crops, tobacco, hemp, and flax, as well as an improving river trade seemed to insure a future of abundance. Consequently, many Kentuckians eagerly gambled im-

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<sup>1</sup> Arndt Stickles, *The Critical Court Struggle in Kentucky 1819-1829* (Bloomington: Indiana University Press, 1929), p. 5.

<sup>2</sup> *Kentucky Reporter*, June 28, 1824.

mediate profits in hopes of gaining future wealth. Speculation on land and commodities became the order of the day. By 1818 town lots in Lexington, the state's largest city, sold for prices similar to those in Philadelphia or New York City. Even in the little river town of Louisville, acre lots sold for as much as \$30,000. Throughout the period farm products brought ever higher prices, and by 1820 much of the steamboat trade in the West involved Kentucky products. As this era of economic expansion continued, a spirit of unlimited trade and speculation took hold of many in the state.<sup>3</sup>

Accompanying the economic growth was a growing population. In the ten years from 1810 to 1820 Kentucky claimed 150,000 new residents (an increase of over 40%) and became the nation's sixth most populous state. Most new Kentuckians, like those who had preceded them, were small farmers. Of the state's 560,000 inhabitants in 1820 90% lived on farms or in farm villages. For the most part the state's economy remained, therefore, an agrarian one. However, there was also a landed aristocratic element developing in some of the older regions of the state, most notably in the Bluegrass area of central Kentucky. Lexington, the state's only recognized city, was quickly becoming the center of this Kentucky aristocracy. Centrally located, Lexington could claim the first college west of the Alleghenies and was considered by many the cultural center of the West. By 1818 it was not unusual to see Lexingtonians being driven in expensive carriages and wearing the latest European fashions. While times remained good, most Kentuckians accepted this social expansion and expected the upward mobility to continue.<sup>4</sup>

As the second decade of the nineteenth century came to a close many Kentuckians confidently anticipated more years of financial successes and social elevation. Unfortunately, economic affairs in 1818 shattered these hopes. The world-wide depression that the Commonwealth had been able to avoid since 1810 finally invaded Kentucky through the state's fiscal policies.<sup>5</sup> Kentucky's growth had been accompanied by a demand for additional hard money. Much of this money was supplied by eastern financial centers, especially Philadelphia, in exchange for tobacco, hemp, and live-

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<sup>3</sup> Thomas Clark, *The Kentucky* (New York: Rinehart & Co. Inc., 1942), pp. 60-64; N. S. Shaler, *Kentucky: A Pioneer Commonwealth* (Boston: Houghton, Mifflin & Co., 1900) pp. 174-76; Stickles, pp. 6-8. Most Kentucky land speculators were small farmers who traded almost wholly on credit.

<sup>4</sup> Lewis Collins, *History of Kentucky* (Louisville: John P. Morton & Co., 1924), p. 180, 185-87; Stickles, p. 8; *Niles' Weekly Register*, November 19, 1814.

<sup>5</sup> William Leger, "The Public Life of John Adair" (unpublished Ph.D. dissertation, University of Kentucky, 1953), p. 182.

stock. While prices for these products remained high, Kentucky farmers were able to pay their debts and even expand their farms.<sup>6</sup> This situation changed radically in 1818 and 1819. Prices on cash crops fell to almost nothing, and land prices, a major means of debt payment, dropped to less than one-sixth of their earlier levels. By 1819 many Kentuckians were unable to pay their debts; an era of prosperity, whether false or real, had come to an abrupt end.<sup>7</sup>

Along with the external conditions which had begun to plague Kentucky was a confused banking system within the state. From its creation in 1806, the Bank of Kentucky, the foundation of the state's fiscal policies, had been as much a political institution as a financial one. Half of the bank's stock was reserved to the state, and the Kentucky legislature appointed both its president and six of its twelve directors. The legislature could also increase the bank's capital stock and, if necessary, could authorize the delay of debt payment to creditors who refused to accept notes issued by the bank. In effect, therefore, the Bank of Kentucky had the power to create paper money and demand its acceptance within the state. The legislature further complicated an already troubled system when in 1817 it legalized an agreement between the parent bank in Frankfort and its thirteen branches throughout the Commonwealth. Afterwards branch banks could issue notes of their own and were no longer required to accept notes issued by the parent bank or any of the other branches. In so doing, the Bank of Kentucky discredited itself and created additional financial distress in the state.<sup>8</sup>

As hard times hit Kentucky most state officials began to consider debt relief measures of some kind. Governor Gabriel Slaughter, among others, believed that the Bank of the United States (BUS) and its branches in Lexington and Louisville were the real culprits in the business recession.<sup>9</sup> He thought that a small group of men led by Nicholas Biddle, the BUS president, was trying to create a "monied aristocracy" in Kentucky which would eventually rule the state.<sup>10</sup> The Governor concluded that the BUS was attempting to solve eastern financial problems by extorting money from

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<sup>6</sup> *The Kentucky Gazette*, May 5, 1819, reported that Kentuckians owed about \$7,000,000 of which \$4,000,000 was owed to eastern financiers and merchants; Shaler, p. 176.

<sup>7</sup> Stickles, p. 17.

<sup>8</sup> Dale Royalty, "Banking, Politics, and the Commonwealth of Kentucky, 1800-1825" (unpublished Ph.D. dissertation, University of Kentucky, 1971), pp. 221, 227-29; Stickles pp. 9-10.

<sup>9</sup> Royalty, pp. 227-28; Stickles, p. 18. It is evident that many Kentucky legislators, in light of the widespread hostility towards "foreign corporations" (i.e. out of state corporations) and the increasingly hard times of 1818 and 1819, were determined to drive the federal bank branches from the Commonwealth.

<sup>10</sup> Royalty, p. 221.

westerners through the "harsh, drastic, and ruthless" collection of debts. Claiming that the BUS was "incompatible with Republican civil liberty," Slaughter proposed the state put an annual tax of \$5000 on both the BUS branches.<sup>11</sup> Slaughter hoped that by taxing the national bank the state could get it out of Kentucky or, failing that, would at least draw more money into the state and thus ease debt payments.<sup>12</sup>

An equally popular solution to Kentucky's economic distresses was the issuance of additional paper money for the purpose of debt payment. In January 1818, as a result of political pressure, the state legislature passed the Independent Bank Bill which created forty new state banks. A month later six more banks were added giving the Commonwealth a total of forty-six independent banks, thirteen branches of the Bank of Kentucky, and two BUS branches. Later labeled "the forty thieves" because of their business practices, the forty-six independent banks were authorized to issue notes amounting to three times their capitalization. This came to \$26,000,000 and the new banks quickly proceeded to circulate as much of that amount as they could.<sup>13</sup> The result was uncontrollable speculation and inflation. Long term contracts and further indebtedness seemed the only way to avoid ruin. The *Niles' Weekly Register* predicted that the program would lead to "mammoth fortunes for the wise, wretched poverty for the foolish. Wealth to the speculating drones . . . misery to the productive poor."<sup>14</sup> The Bank of Kentucky, still the foundation upon which the state's economy operated, also suffered from the inexperience, mismanagement, and dishonesty that characterized the independents. By 1820 Kentucky's economy had been severely crippled, and inflation, frustration, doubt, and fear ruled the Commonwealth.

Beginning in late 1818 a small but vigorous minority in almost every county in the state constantly criticized the Slaughter administration relief legislation.<sup>15</sup> As Kentucky prepared for the 1820 gubernatorial election and economic conditions continued to deteriorate, those opposed to additional relief measures became increasingly vocal. Consisting primarily of the wealthier class, Anti-Relievers argued that the state legislature should neither put

<sup>11</sup> Stickles, p. 13.

<sup>12</sup> Royalty, p. 245.

<sup>13</sup> Leger, pp. 186-88; Stickles, p. 10; *Kentucky Gazette*, May 8, 1818.

<sup>14</sup> *Niles Register*, Vol. XIV, p. 110; *The Kentucky Gazette* on January 3, 1820, echoed the sentiments of Niles, editorializing: "that (the forty-six independent banks) have operated as a curse, not as a blessing on the state, is confessed and declared aloud by the whole country, who with one voice demand the repeal of their charters . . . and the revocation of the destructive powers with which they have been invested."

<sup>15</sup> Stickles, p. 29.

citizens in debt nor aid them in getting out of debt and that it was not "the people" who needed relief but rather a few speculators.<sup>16</sup> Anti-Relievers held that the natural laws of social and business intercourse were beyond the powers of the public will and any attempt to change such immutable laws would only produce conditions more harmful than those which already existed. Kentucky's troubled economy was caused by a combination of overexpansion, extravagance, and moral decline that had resulted in uncontrollable speculation. As a solution Anti-Relievers proposed the continuance of "normal" banking practices which meant prompt specie payment, and, more importantly, the stoic acceptance of the depression by all Kentuckians. Anti-Relievers also claimed that no short term, easy solutions were possible. Instead frugality, "republican simplicity," and home manufacturing stimulated by legislative subsidies and protective tariffs offered the only hope for a brighter future.<sup>17</sup>

Opposing Anti-Relievers in the 1820 election were the advocates of additional relief programs. Led by John Adair, a popular Indian fighter who fought alongside Andrew Jackson at New Orleans, the Relief faction evinced an abiding interest in the less fortunate members of society. Declaring that the time had come to put public interest above private profit, Relievers promised to concentrate their efforts on encouraging banks to cease their pressure tactics of debt collection and to pass replevin laws which would allow debtors to delay payment to creditors.<sup>18</sup> Relievers also promised to create a bank wholly owned by the state which would be responsible for administering all fiscal relief.<sup>19</sup> Many believed the old Bank of Kentucky had become subordinate to the BUS and the national government and so could not be expected to bail Kentuckians out. Because of their numerous failures and questionable methods, the surviving sixteen of the state's forty-six independent banks lost their charters in January 1820.<sup>20</sup> Therefore the only financial institution able to serve Kentucky's needs was the BUS, and Relievers contended that the BUS was the original source of

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16 Royalty, pp. 137-38.

17 Royalty, p. 261; Stickles, p. 21; James F. Hopkins, ed., *The Papers of Henry Clay* (5 vols.; Lexington: University Press of Kentucky, 1959- ), III, 237, 276, 304. Probably the best known Anti-Relief proponent was Henry Clay. However, as the relief movement gained popular support, Clay, for obvious political reasons, removed himself from the ongoing debate which was splitting the state. In the years between 1820 and 1824 his opposition remained very low key and usually was filtered through his friend Amos Kendall.

18 Leger, p. 220; Royalty, pp. 263-65.

19 Royalty, pp. 237-39.

20 *Ibid.*, pp. 243, 249-50.

the state's problems. To eliminate this deficiency they felt a new bank had to be established.

The August election brought victory to the Relief proponents throughout the state, to Governor-elect Adair, and to the proposed bank. Denying the validity of the Anti-Relief contentions, the new legislature in November chartered a new state bank, the Bank of the Commonwealth, for the purposes of re-establishing a sound economy and relieving the indebtedness of Kentuckians.<sup>21</sup> Created as "an institution without stockholders under the complete control of officers elected by the legislature and paid by the state," the bank was granted an initial capitalization of two million dollars, about half of which was borrowed from eastern investors. The legislature allowed the bank to issue up to three million dollars in notes in the increments of no more than \$1,000 to residents "for the purposes of paying his, her, or their just debts," or for the purchase of products for exportation out of the state.<sup>22</sup> In early 1821 the bank began distributing its notes, and, while their value fell throughout much of 1821, the bank was recognized by most as a sound financial institution. Though the Anti-Relief proposals may have eventually proved more stable, Relievers maintained that a major step towards an improved economy had been taken by the Adair administration.<sup>23</sup>

For the Bank of the Commonwealth to succeed in ridding Kentucky of its economic woes it needed the cooperation of the Bank of Kentucky. This bank, however, was controlled in many respects by Anti-Relievers who had consistently opposed the new bank. Claiming that the state was attempting to legislate people out of debt the Bank of Kentucky's directors tried to dissociate themselves and their bank from all new relief measures.<sup>24</sup> The old bank continued calling its notes and refused to accept Bank of the Commonwealth notes as payment for debts. This undermined much of the Adair program and depreciated Bank of the Commonwealth notes.<sup>25</sup> However, the new bank had the support of most legislators, and consequently the state took whatever business it could away from the Bank of Kentucky. Also, a replevin law was passed on December 25, 1820, which allowed debtors to delay payment for up to two years to creditors not accepting Bank of the Common-

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<sup>21</sup> William Smith, *The Francis Blair Family in Politics* (New York: Macmillan Co., 1933), p. 24; Leger, p. 195; Stickles, p. 23.

<sup>22</sup> Smith, p. 24; Stickles, pp. 23-24.

<sup>23</sup> Royalty, pp. 267-70; Leger, p. 199.

<sup>24</sup> Leger, pp. 197-200; Royalty, p. 276.

<sup>25</sup> Royalty, pp. 276, 293.

wealth notes. These laws effectively countered Anti-Relief resistance and helped the state clear another hurdle on its road to renewed prosperity.

By 1822 many Kentuckians were convinced that the end of the depression was in sight. The Bank of the Commonwealth had stopped the disastrous flow of forced foreclosures and had given Kentucky an improved financial base.<sup>26</sup> In addresses to legislative sessions in 1822 Governor Adair reflected high hopes for the future, announcing that the relief laws "have completely realized their proposed end" and "have enabled people to pay their debts, have restored public tranquility, increased commercial transactions, and assisted agriculture."<sup>27</sup> Furthermore, he predicted a quick return to times when "constancy and patience of the virtuous relations, the victorious energies of well directed industry, and the demands of foreign commerce" would again regulate economic conditions.<sup>28</sup>

While Kentucky's economy steadily improved throughout 1822 and 1823, another intense political battle between Relievers and Anti-Relievers was brewing. Anti-Relievers, many of whom were creditors, claimed that the replevin laws altered contracts that had been agreed upon before the relief laws were passed. The replevin laws were, therefore, unconstitutional.<sup>29</sup> Anti-Relievers continually argued that the legislature could not interfere with contractual agreements and the right of the creditor to demand payment of debts at the contracted date. Relievers, however, satisfied that a government existed primarily to help its citizens in times of need, believed that the state government had acted within the limits of both the state and federal constitutions. Governor Adair further countered his detractors by insisting that he had been ordered by the people of Kentucky, both debtor and creditor, to initiate replevin laws.<sup>30</sup> Despite the Relief propaganda, creditors maintained a vehement attack on the constitutionality of the new laws. They argued that it was the duty of the courts to protect their property against any violations of contracts. Hoping to demonstrate the validity of their position, a few creditors started legal proceedings against debtors as a means of testing the constitutionality of the replevin laws.

In August 1821 the case of *Williams vs. Blair*, the first to test the replevin laws, was heard before Judge James Clark in Bourbon

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<sup>26</sup> *Ibid.*, pp. 294-95.

<sup>27</sup> *Kentucky State House Journal*, Special Session, 1822, p. 7; Leger, p. 206.

<sup>28</sup> *Kentucky State House Journal*, 1822, p. 59; Royalty, p. 317.

<sup>29</sup> Royalty, pp. 295, 317-18; Leger, pp. 210-22.

<sup>30</sup> Leger, p. 230; *Kentucky State House Journal*, 1822, p. 67.

County Circuit Court. Blair had replevined a debt of \$219.67 for two years. Williams petitioned the court for collection of the debt. Judge Clark, fully appreciating the implications of his decision, relayed ruling on the case until May 1822. Unavoidably, his ruling added fuel to the Anti-Relief attacks. Citing Section 10, Article I of the United States Constitution and Section 18, Article X of the Kentucky Constitution of 1799, both of which forbid the passage of *ex post facto* laws, Clark found the replevin laws unconstitutional. The court's opinion also seemed to imply that the act which had created the Bank of the Commonwealth was itself unconstitutional. Shortly after Clark's decision, the same verdict was reached in a similar case, *Lapsley vs. Brashear*, in Fayette County.<sup>31</sup> The decisions dismayed a large number of the state's citizens not only because of their anti-relief character, but also because they magnified the authority of the national government. No longer were Kentuckians able to determine their own futures. Many resigned themselves to fighting the court decisions and the invading federalism in whatever ways they could.

In retaliation Governor Adair called a special session of the legislature for the purpose of reviewing the Clark decision. A special committee was appointed to reread, evaluate, and, if necessary, to question the Judge concerning his verdict. The committee quickly reviewed Clark's opinion and reported that it was "subversive of the best interests of the state . . . calculated to disturb the tranquility of the country, and shake the public confidence in government." The committee concluded that "James Clark . . . ought to be removed from office."<sup>32</sup> Clark, however, would not give up quietly. In defending his decision before the full legislature he ably cited many precedents, pleaded earnestly for the freedom of the courts, and stood firmly behind every position he had taken in his ruling. After a spirited debate among the legislators Clark narrowly escaped impeachment. Afterwards he became the symbolic leader for many Anti-Relievers throughout the state.<sup>33</sup>

Meanwhile, the cases of *Williams vs. Blair* and *Lapsley vs. Brashear* lay on appeal in the state's highest court for several months. When actions were taken on the cases in October 1823 the state court of appeals upheld Clark's verdict and declared the replevin

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<sup>31</sup> Leger, p. 226-28; Royalty, p. 314; William Littell (editor), *Kentucky Reports* (Louisville: Geo. G. Fetter Printing Co., 1898), Vol. 14, pp. 34, 46-47.

<sup>32</sup> Stickles, pp. 30-32; *Kentucky State House Journal*, 1822, pp. 67-74, 86-87, 105-117; *The Lexington Reporter*, June 16, 1823, the *Reporter* remarked that the Judge had been "deeply impressed with the importance of the subject and heard the arguments with great patience."

<sup>33</sup> Stickles, pp. 32-34.

laws unconstitutional. The decision was the final straw for many Relievers and ignited an explosive reaction in all parts of Kentucky. Adding to an already volatile situation were three United States Supreme Court decisions which reaffirmed the Appeals Court verdict and further condemned relief laws as unconstitutional.<sup>34</sup> Relievers, upset by the prospects of a return to depression, demanded immediate action to counter the court decisions.<sup>35</sup> Even Henry Clay, a large creditor and restrained Anti-Reliever, believed that the state court had overstepped its bounds although he did not envision the same solutions as Relievers.<sup>36</sup> They wanted the three judges, John Boyle, William Owsley, and Benjamin Mills, who composed the state's highest court, removed and replaced by new judges.<sup>37</sup> A substantial number of Kentuckians opposed such drastic actions and instead applauded the court's decision. As 1823 ended, the controversy between Anti-Relief/old court advocates and Relief/new court proponents raged unabated.

As the 1824 elections approached, the court question and related relief laws took on new importance. At stake in Kentucky was the governorship, the state house, and 25% of the state senate. Of these, the gubernatorial election was by far the most crucial for it was assumed that the state legislature would reflect the political philosophy of the new governor. Adding emphasis to the state elections was the absence of major national issues which might arouse debate in the Commonwealth. Almost all Kentuckians backed the presidential candidacy of Henry Clay and most agreed with the planks of his platform. Even men such as Amos Kendall and Francis Blair who would later oppose Clay were solidly behind him in 1824. Clay had remained above the Relief — Anti-Relief controversy and had been able to maintain amicable ties with the leaders of both factions.<sup>38</sup> Further, old party lines that existed

<sup>34</sup> Royalty, p. 230; Stickles, p. 34; Henry Wheaton, *Reports of Cases Argued and Decided in the Supreme Court* (New York: R. Donaldson & Co., 1883), vol. 10, pp. 1, 51; vol. 8, p. 1. The three cases were the *Bank of the United States vs. Halstead*, *Wayman vs. Southard*, and *Green vs. Biddle and others*.

<sup>35</sup> Stickles, pp. 34-35. After hearing the verdict, Governor Adair denounced those who opposed or in any way impaired relief legislation as "either ignorant or designing men"; Leger, p. 232.

<sup>36</sup> Hopkins, pp. 801-802. In a letter to Benjamin Leigh August 5, 1824, Clay stated: "I am rather inclined to think that the courts have pushed (their judiciary authority) too far and that, creating themselves into a sort of tribunal to remedy all the public evils, at least the evils of bad legislation, they have not allowed to operate other probably more efficacious corrections."

<sup>37</sup> Smith, p. 25; Stickles, pp. 36-37. Some Relievers claimed that Judge Clark had "grossly transcended his judicial authority and disregarded the constitutional powers of the Kentucky legislature."

<sup>38</sup> *Niles' Register*, July 17, 1824. The weekly reported that upon his return to the state in June Clay tried to limit any political statements to national issues and to avoid getting involved in the state imbroglio.

during the early 1800's had faded by 1824, and new alignments had not yet replaced them. This absence of a divisive national issue and of formal parties infused a new intensity into the August elections. Both Relievers and Anti-Relievers, needing control of the state government, recognized that the election was a critical one. Anti-Relievers, whose position seemed to be improving as a result of the court decisions, believed a victory would finally repudiate the Adair administration and undermine the basic argument of Relievers that they represented the will of "the people." On the other hand, Relievers thought that a victory would justify the creation of a new court, protect the remaining relief laws, and establish beyond any doubt their role as the advocate of "the people." Both factions recognized the validity of their opponents' interpretation and vowed to do whatever was necessary to secure victory in 1824.

General Joseph Desha, a staunch supporter of relief laws and a proponent of a new court, was the first announced candidate. Desha was well known throughout the state as an Indian fighter and backwoods legislator. As a boy in Tennessee he had grown up fighting Indians (his two brothers were killed in Indian attacks), and in 1794 he had served under "Mad" Anthony Wayne in the Northwest Territory. Later, along with ex-governor Isaac Shelby and William Henry Harrison, Desha had led Kentucky militiamen into the Indiana Territory to protect settlers from the Indians. Soon after moving to Mason County in 1795 Desha embarked on a political career. In 1797 he was easily elected to the Kentucky House of Representatives, serving there five terms. His tenure in the house led to five years in the senate, and in 1807 he ran unopposed for the United States Congress where he remained until 1819. Though Desha had received no formal education, he was recognized as an able legislator by many of his fellow Congressmen. As a politician Desha identified with the plight of the small farmer, opposed the Bank of the United States, and espoused Jeffersonian doctrine.<sup>39</sup>

Two candidates claimed to be carrying the Anti-Relief banner. The most formidable was Judge Christopher Tompkins from Bourbon County. Tompkins was well educated, represented the creditor element of Kentucky society, and was in total agreement with the Clark decision. He believed that relief measures were both unconstitutional and dangerous to the welfare of the state. Unlike Desha

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<sup>39</sup> Allen Johnson and Dumas Malone, (eds.), *Dictionary of American Biography* (New York: Charles Scribner Sons, 1930), pp. 254-55

who would stump wherever he found an audience, Tompkins did much of his campaigning through the state's weekly newspapers and at small, usually private, gatherings. Tompkins, the least known of the candidates, had to contend with Colonel William Russell for the Anti-Relief support. Though the latter had served the state for nearly fifty years, chiefly in a military capacity, Russell had not distinguished himself as had Desha and was not as versed in Anti-Relief rhetoric as was Tompkins. Nevertheless, since he opposed the creation of a new court and had few enemies he was seen as a worthy candidate by some Kentuckians.

The Anti-Relief campaign got under way in early May 1824 when Judge Tompkins announced his candidacy. Claiming that "the embarrassed condition of Kentucky, the depreciated state of the currency, and the unhappy contentions between the Legislature and the Judiciary departments of our government demand the serious considerations of every patriot," Tompkins reproved most of Governor Adair's relief programs.<sup>40</sup> In attacking the economic policies of the Relievers, the Judge declared that "our pecuniary distresses have their most certain and effective remedy in the habits of industry and economy."<sup>41</sup> Simplistically, he saw true relief only in frugality and urged that "our family expenditures be less than our income." While he recognized that the state economy by 1824 had become inextricably tied to the success of the Bank of the Commonwealth, the Judge opposed the extension of all other relief legislation. He hoped "in some manner" to quickly rid the state of the relief laws.<sup>42</sup> Tompkins condemned the Relief attacks on his fellow judges as "unintelligible and irresponsible." He believed that the removal of the judges would set a dangerous precedent and would insure the subordination of the judiciary to the legislature thus destroying the system of checks and balances upon which the government had been established.<sup>43</sup> Denying that the state's sovereignty was being usurped, the Judge implored Kentuckians to conform to the recent court decisions.

Relief legislation and the Adair administration were not, however, the main targets for Anti-Relievers; they saved their venom for General Desha who, from May 1824 until the August election, was constantly and adamantly denounced. Desha had begun a hand-shaking campaign in late 1823 and in the first few months

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<sup>40</sup> *Kentucky Gazette*, May 6, 1824; *Frankfort Argus*, May 12, 1824; *Lexington Reporter*, May 12, 1824.

<sup>41</sup> *Lexington Reporter*, May 12, 1824; *Kentucky Gazette*, May 6, 1824.

<sup>42</sup> *Ibid.*

<sup>43</sup> *Kentucky Gazette*, June 24, 1824.

of 1824 experienced only mild affronts. Once Tompkins announced his intentions this changed. In a campaign that saw far more mud-slinging than policy promising, Anti-Relievers attacked the General with all the fury they could muster. Their strategy was to discredit Desha as a legislator, as a general, and as a "virtuous" politician.

Anti-Relievers claimed that as a legislator Desha had done little to warrant the state's highest office. Tompkin's supporters called the General "one of the most dangerous men that at this time could be placed in the executive chair," and accused him of "trying to prepossess 'the people' with the cry of persecution, a cry which he has often used to enlist the sympathies of the people."<sup>44</sup> Labeling him a Hamiltonian at heart, Anti-Relievers publicly scrutinized Desha's career in Congress. According to his opponents, the General had consistently voted against a much needed increase in the military budget despite his promises to support a larger, better equipped, better organized army and navy.<sup>45</sup> As a Presidential elector in 1816 Desha had cast his ballot for William Crawford, ignoring the nearly unanimous support Kentuckians had shown for James Monroe.<sup>46</sup> The General was also accused of having covertly favored a compensation bill which would have raised financial remunerations to congressmen while at the same time telling his constituency that the bill was unconstitutional and unjust.<sup>47</sup> In addition, Desha was charged with taking many legislative positions merely as a way of creating division between farmers and lawyers. On the whole, Anti-Relievers saw no merit in the General's legislative career other than his twenty year length of service. This, however, was not enough to justify his election for "even the polishing of 22 years could not convert buckeye into mahogany."<sup>48</sup>

Desha's reputation as a military leader and Indian fighter also suffered under Anti-Relief criticism. His opponents asserted that the General had volunteered his services in Indiana only "under the expectations and assurances of receiving the command of divisions of the army."<sup>49</sup> It was charged that when the time to fight had come Desha repeatedly balked. He was also said to have encouraged General William Henry Harrison to abandon his pursuit of marauding Indians at a time when such pursuit was believed

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<sup>44</sup> *Lexington Reporter*, July 19, 1824; *Kentucky Gazette*, May 13, 1824.

<sup>45</sup> *Lexington Reporter*, June 7, July 24, 1824.

<sup>46</sup> *Lexington Reporter*, May 24, June 7, 1824.

<sup>47</sup> *Lexington Reporter*, June 7, 1824.

<sup>48</sup> *Lexington Reporter*, May 10, 1824.

<sup>49</sup> *Lexington Reporter*, June 7, 1824.

essential. The Indiana Territory, according to the Tompkins camp, had been made safe for white settlers despite Desha, not because of him. More importantly, the General's "bolstered patriotism" had cost the government \$1486.00 in expenses over a period of only three months. The public was reminded that Desha had claimed these expenses at a time when the average soldier received only \$200.00 a year and when the national government and many state governments were on the brink of bankruptcy.<sup>50</sup> Voters were also reminded that Desha was the first American officer to have ever presented such a bill to the government. Thus, Anti-Relievers argued, the General's military exploits further reflected his dispicable character, his opportunism, and his abuse of the public trust.

As the campaign wore on, Anti-Relievers assailed the General's refusal to offer the voters a tangible platform. The Tompkins forces argued that "the time has come when the artifice and intrigue of designing men would endanger the safety and happiness of the State under the administration of a weak and unsteady politician."<sup>51</sup> Desha was accused repeatedly of trying to be all things to all people. It was reported that "when with anti-relief men he partakes of their opinions, though, in fact, he is a thorough relief man," and that "a listener could hear him, with some little twisting, being on both sides of a question."<sup>52</sup> Numerous editorials called upon the General "as a duty incumbent on every candidate for 'offices of prominence' to lay before your countrymen a plan."<sup>53</sup> Still Desha refused to enter into such a public debate. As the election approached, these reprimands grew in number and intensity. Three days before the election the *Lexington Reporter*, a staunch Tompkins newspaper from the beginning, editorialized, "General Desha's character is highly exceptional and the low arts to which he has stooped to deceive the people and defeat his opponent have disgusted every unbiased mind."<sup>54</sup>

Rather than enter into the kind of newspaper war that his opponents were encouraging, Desha chose to personally deliver his message to the voters. He claimed that the state's weeklies were instruments of Anti-Relief editors and that they "persecuted" him from the beginning of his campaign just as Anti-Relievers had "persecuted" most Kentuckians. Describing himself as "the man who is a friend of the people, the advocate of equal rights and

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50 *Frankfort Monitor*, June 30, 1824; *Lexington Reporter*, June 7, 1824.

51 *Lexington Reporter*, May 12, 1824.

52 *Lexington Reporter*, July 5, August 2, 1824.

53 *Frankfort Argus*, June 30, 1824; *Lexington Reporter*, June 14, 1824.

54 *Lexington Reporter*, August 2, 1824.

privileges" the General promised to "vindicate the right of the people in times of calamity, to stay the arm of the law and save the country from ruin."<sup>55</sup> In refusing to announce a firm platform he countered that his "opposition to judicial usurption, approval of relief legislation and recognition that all power lay with the people" were well known; therefore, he felt no need to call for specific actions.<sup>56</sup> While Desha only once defended himself in print, some of his supporters did write in his behalf. They called the General's detractors "distempered hypochondriacs" and claimed that "to follow [Anti-Relievers] through all the minutia of their despicable criticism would not only be a waste of time, but a useless tax upon [the readers'] patience."<sup>57</sup> Desha's military career was known to have been beyond reproach and his legislative achievements had established him as an influential man in both Kentucky and the nation. If Anti-Relievers did not understand the General's campaign, it was because he spoke the language of a tobacco farmer rather than the pretentious prose of a lawyer or a banker.<sup>58</sup> Finally, the Anti-Relief Party was advised not to criticize "an old soldier's style and bewilder the people with complicated questions," but instead "to stick to their quo warrants."<sup>59</sup>

Desha's campaign tactic was to identify his opponents as "lovers of men who hold power and growl at the majority that call upon them to defend their Constitution, their rights, honor, and the glory of their country."<sup>60</sup> Relievers tried to show parallels between Anti-Relievers and the Tory Party from the Revolutionary period. Tompkins' record as a judge was often held against him. He was said to have "taken the lead in supporting the bank [BUS] and surrendering the power of the state."<sup>61</sup> Desha charged that the Judge publicly supported the oppression of farmers as a result of his stand on the court issue. Tompkins was declared unfit for the office of governor since he would not be able to make unbiased decisions on some of the important problems facing the state, namely the old court - new court problem.<sup>62</sup> If elected, Kentucky would not be governed by a governor but by the judiciary.<sup>63</sup> Relievers announced that the Judge had nominated himself and was not the preferred candidate of the Anti-Relief faithful. This charge was

55 *Frankfort Argus*, June 9, August 4, 1824; *Lexington Reporter*, May 17, 1824.

56 *Frankfort Argus*, June 9, 1824.

57 *Lexington Reporter*, July 19, 26, 1824.

58 *Lexington Reporter*, July 19, 1824.

59 *Frankfort Argus*, June 23, 1824.

60 *Frankfort Argus*, March 10, 17, 1824.

61 *Frankfort Argus*, July 25, 1824.

62 *Ibid.*

63 *Frankfort Argus*, May 19, July 25, 1824.

seconded by most of Colonel Russell's supporters who believed Tompkins had stolen the nomination by announcing his candidacy before an agreed upon date. Russell, running a distant third throughout the race, blamed his low standing in the polls directly on Tompkins and promised, even if it meant the defeat of the Anti-Relief Party, not to give up in favor of the Judge.<sup>64</sup>

In the early months of the campaign Desha was recognized as the leading candidate. However, as election day neared some began to wonder whether the General could maintain enough support to win. In late June the *Lexington Reporter* predicted that Tompkins would win by 6000 votes.<sup>65</sup> Later it was reported that "with every mail and traveler comes the glad tidings that Tompkins is gaining ground rapidly throughout the state," and that increasingly Desha's "lies and falsehoods are making him unpopular."<sup>66</sup> Despite these obviously biased reports, the Desha forces remained confident of victory. The General continued his "tour of the state" campaign and his policy of "silent contempt" towards his accusers. The *Frankfort Argus*, one of the few pro-Desha weeklies, reflected the sentiments of the Relief faction when it commented in June that Desha "will beat the united strength of both his competitors."<sup>67</sup> Later, the paper predicted that the General would receive four votes to every one cast for Tompkins. As August arrived both camps remained sure of a decisive victory.<sup>68</sup>

While the margin of victory was not four to one, Desha easily defeated the combined efforts of Tompkins and Russell as the *Argus* had predicted. In polling almost 60% of the vote the General showed substantial support in most counties. On the other hand, Tompkins, who received 35% of the vote, garnered little support outside the central Kentucky region.<sup>69</sup>

The governor-elect interpreted the victory as a mandate for the creation of a new Court of Appeals. Once in office he immediately began to organize a new court hoping to finally end the political strife that had characterized the Kentucky legislature during the previous four years. Unfortunately, Desha's hopes of a peaceful government were not realized; the creation of "the Desha Court" initiated a period of unparalleled debate in the state.

The election of 1824 became an important link in the chain of

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<sup>64</sup> *Lexington Reporter*, May 17, 1824.

<sup>65</sup> *Lexington Reporter*, June 28, 1824.

<sup>66</sup> *Lexington Reporter*, July 26, 1824.

<sup>67</sup> *Frankfort Argus*, June 23, 1824.

<sup>68</sup> *Frankfort Argus*, June 30, 1824.

<sup>69</sup> *Niles' Register*, August 24, 1824; *Lexington Reporter*, August 23, 1824.

Relief administrations that dominated Kentucky during the 1820's and seemed to assure many debt-ridden citizens that they had a friend in Frankfort. More importantly, the election accelerated a period of political transition in the Commonwealth which saw some very basic constitutional questions placed before the public. Probably the most critical of these issues involved the relationship between the judicial and legislative branches of the state government. Though Relievers were able to insure the primacy of the legislature for a time, the struggle over the court system created permanent political fissures. Another important constitutional question raised by the election involved the degree of sovereignty that the U.S. Constitution allowed the state. In repudiating Anti-Relievers, voters demonstrated a desire to uphold the rights and powers which afforded Kentucky a substantial degree of sovereignty. However, the vote was one not all Kentuckians accepted, and it caused a widespread animosity which was not easily ended. These critical issues crystalized ideological divisions which proved to be essential ingredients in the evolution of a two party system in the Commonwealth. In Kentucky the Relief — Anti-Relief factions of 1824 were, in fact, the embryonic stages of the formally organized Democratic Party of Andrew Jackson and the Whig Party of Henry Clay. The election, therefore, was a watershed in the state's political history with results which would be felt for years afterward.